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DEPARTMENT OF HEALTH  
Environmental Health Programs  
Division of Radiation Protection

February 25, 1992

TO: Narda Pierce  
Department of Ecology

FROM: Eric Slagle *Eric*  
Department of Health

SUBJECT: COMMENTS ON THE DRAFT DANGEROUS WASTE PERMIT FOR HANFORD

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Attached are comments on the draft dangerous waste permit for Hanford that have been compiled by department staff. Your draft permit represents a good solid effort in regulating dangerous wastes at Hanford; however, it is critical that the radioactive component, while not regulated by your agency, is at least assessed. Such assessment assures that the management of hazardous wastes does not neglect the public health aspects of the radioactive portion of those wastes. By including the Department of Health in a support role in the permit, both of our legislative mandates can be met, and the public should feel more confident in the state's ability to protect them.

If you have any questions please give us a call.





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FROM THE

DIVISION OF RADIATION PROTECTION

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**COMMENTS ON THE DRAFT PERMIT FOR THE  
TREATMENT, STORAGE AND DISPOSAL OF DANGEROUS  
WASTES AT HANFORD**

**BY**

**THE DEPARTMENT OF HEALTH**

940395.002  
2017-06-16  
9446

General Comment

We complement the Department of Ecology on its efforts to begin to regulate wastes at Hanford. The Department of Health supports these efforts, recognizing that permitting the treatment, storage and disposal of dangerous wastes at Hanford is a complex and unique undertaking.

This permit is intended to regulate hazardous wastes, including the hazardous portion of mixed wastes. Since the Atomic Energy Act of 1954 prohibits states from regulating radioactive wastes from defense facilities (unless there is an agreement with the federal government similar to the state's agreement with the Nuclear Regulatory Commission to do so), the permitting of these wastes must take into consideration the radioactive portion of the wastes, without actually regulating them. This is complicated even further in that, in most cases, the radioactivity is much more "hazardous" than those wastes falling under the regulatory designation of "hazardous".

The public does not appear to differentiate between the two types of wastes. Virtually all comments in public meetings and hearings held by the Department of Ecology or the Department of Energy center around radioactivity, not lead, asbestos, carbon tetrachloride, etc.

Since the management of hazardous wastes at Hanford cannot exclude the radioactive portion of such wastes, we believe it is essential that the Department of Health, as the state's radiation control agency (RCW 70.98), play a key role in this management. Health would not be an equal "permitter" with Ecology, but rather, a "advisor" in a support role to Ecology to ensure that, when hazardous waste is managed, the radioactive portion of such waste is managed safely and in a manner consistent with the Rules and Regulations for Radiation Protection (WAC 246), to ensure the protection of the public health.

There is no question of Ecology as the lead agency in this effort, with Health as a supporting agency. However, both agencies are essential for the adequate regulation of mixed waste.

Specific Comments

- 13.1
1. Page 3, line 20 and 21. The statement that "permit conditions would pre-empt any conflicting attachments" is too broad, and could conflict with other federal or state statutes. The attachments should be thoroughly examined and conflicts worked out individually to avoid conflicting with other statutes.
- 13.2
2. Page 10, lines 5 through 11. The definition of "dangerous wastes" needs further explanation. Although RCW 70.105 includes mixed wastes, WAC 173-303 implicitly excludes the radioactive portion. It should be clarified that the permit is for the hazardous portion of the mixed wastes, but that the radioactive portion of the waste must at least be addressed to ensure it's safe management.
- 13.3
3. Page 11, lines 26 through 31. The definition of a "release" conflicts with later uses; later releases include radioactivity; this definition does not.
- 13.4
4. Page 17, lines 37 through 47. The Department of Ecology should, in the permit, recognize the security requirements of Hanford.
- 13.5
5. Page 20, "Immediate Reporting". This section should recognize the Department of Community Development's statutory authority for all emergency planning (RCW 38.40), and the Department of Health's statutory authority for radioactivity (RCW 70.98). The permit should not contradict the 1991 MOU between DCD, Health, Ecology and USDOE for notifications of such releases. The permit, as currently written, ignores that agreement.
- 13.6
6. Page 20, lines 38 through 44. It should be clarified that quantities of radioactivity are not measured in "pounds" or "pints".
- 13.7
7. Page 21, lines 7 through 14. The Department of Health's Drinking Water Program authority should be cited to differentiate from Ecology's. DCD's statutory authority should also be cited here.
- 13.8
8. Page 23, lines 4 through 9. The language in the "Other Noncompliance" section is confusing and should be clarified.
- 13.9
9. Page 23, lines 24 through 49. Health and DCD should be added to this notification list for applicable areas, as noted previously in these comments.

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10. 13.10 Page 26, lines 38 through 45. This section contradicts the existing MOU between DCD, Health, Ecology and USDOE for notifications. The language should be changed to recognize other agreements and authorities.
11. 13.11 Page 27 and 28, section II.B. This section must recognize DCD's statutory role as the central state authority for emergency planning.
12. 13.12 Page 28 lines 40 through 42. If the draft Facility Wide Waste Analysis Plan includes a radioactive component, Health should also be included for review and approval to ensure compatibility with radiation and public health regulations and goals.
13. 13.13 Page 34, line 40-41. If the plan includes radioactivity, a copy should be provided to Health also.
14. 13.14 Page 38, line 36. If the records of monitoring include radioactivity, then Health, having authority for radiation monitoring (RCW 70.98), should be included.
15. 13.15 Page 44, line 38 through page 45, line 14. If this requirement is intended to include radioactivity, visual inspections are insufficient to determine its presence. If radioactivity is not included, it should be explicitly excluded.
16. 13.16 Page 45, line 18-20. "Authorized representatives" should be defined. If the inspections include any sites that are radioactive, then Health needs to be included. Dosimetry for Ecology staff should be provided Health, as we do for other state agencies. Ecology staff should be included in the state's worker exposure records (RCW 70.98).
17. 13.17 Page 47, section II.U. If dangerous waste lines include radioactive lines, it should be stated explicitly. Health should also be included for information distribution if radioactive lines are included.

**Other**

13.18  
Attachments were not available for review, so site specific comments could not be addressed adequately. Care must be taken, therefore, to avoid any contradictions of other statutory authority (state or federal), which may apply under other programs in state government.